



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-073613-25

In the matter of: 1, 169 DENNIS ST
SAULT STE. MARIE ON P6A2X4

Between: Russell Alton Landlord

And

David J Burgan Tenant

Russell Alton (the 'Landlord') applied for an order to terminate the tenancy and evict David J Burgan (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was heard by videoconference on January 21, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not paid compensation pursuant to section 48.1 and 55.1 of the *Residential Tenancies Act, 2006* (the 'Act'). Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On September 3, 2025, the Landlord gave the Tenant an N12 notice of termination deemed served on September 3, 2025 with the termination date of November 30, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord's child.
4. At the hearing, the Landlord testified that he did not pay any compensation to the Tenant as the Tenant is already in arrears of rent.
5. Section 48.1 of the Act states that, "a landlord shall compensate a tenant in the amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if the landlord gives the tenant a notice of termination of the tenancy under section 48."

6. Section 55.1 of the Act requires that compensation under section 48.1 be paid to the tenant no later than on the termination date specified in the notice of termination. In the present case, the termination date in the N12 Notice of Termination is November 30, 2025.
7. As the Landlord did not pay the compensation required under section 48.1 of the Act and did not offer the Tenant an alternative unit, I find that the Landlord has not satisfied a statutory requirement for this application and the application must therefore be dismissed.
8. The Landlord has not made any attempt to compensate the Tenant prior to the hearing. As a result, I do not believe this would be an appropriate case to extend the time requirements pursuant to section 190(2) of the Act which states "the Board may extend or shorten the time requirements with respect to any matter in its proceedings, other than the prescribed time requirements, in accordance with the Rules."

It is ordered that:

1. The Landlord's application is dismissed.

February 3, 2026
Date Issued

Christopher Lin
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.